

REMARKS

1.The Office Action rejected claims 1-4 because the claimed invention is directed to non-statutory subject matter. 35 U.S.C. 101

The Applicant has satisfied this rejection by rewriting and submitting new claims which meet statutory requirements 35 U.S.C. 101.

2.The Office Action rejected claims 1-4 under 35 U.S.C. 112 as failing to comply with the enablement requirement.

Applicant has satisfied this rejection by rewriting the specifications, to comply with 35 U.S.C. 112. The present specifications clearly teaches one skilled in the art how to make and use the invention.

3.The Office Action rejected claims 1-4 under 35. U.S.C. 112. Concealment of the best mode is based upon a lack of any embodiments.

Applicant has satisfied this rejection by rewriting the specifications with the necessary embodiment to comply with 35 U.S.C. 112.

4.The Office Action rejected claims 1-4 under 35 U.S.C. 112 as being incomplete for omitting essential steps.

Applicant has satisfied this rejection by canceling claims 1-4 and submitting new claims to comply with 35 U.S.C. 112.

5.The Office Action rejected Claims 1-4 under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Applicant has satisfied this rejection by submitting 4 new claims which defines the claimed invention.

6.The Office Action rejected claims 1-4 as being unpatentable over Carney et al.(US Patent 5,890,141, as obvious.

Applicant has satisfied this rejection by submitting new claims that distinctly point out that the invention is not obvious, and is now patentable over Carney.

If the invention were in fact obvious, because of its advantages, those skilled in the art surely would have implemented it by now. That is, the fact that those skilled in the art have not implemented the invention, despite its great advantages, indicates that it is not obvious. The sited reference was filed March of 1999, in 2005, the U.S. lost 60 billion dollars to credit card fraud, if the invention was obvious this would have been prevented. The invention solves a long felt, long existing, but unsolved need. The invention utilizes a new principle of operation Applicant has blazed a trail, rather than follow one.

Applicant's invention solves a different and much bigger problem than the reference, and such different problem is recited in the claims. The Office Action has not presented a convincing line of reasoning as to why the claimed subject matter as a whole, including its differences over the reference sited, why it would have been obvious. The reference is from a very different technical field than that of the invention. The claimed elements are directed to a different purpose then the elements of the sited reference.

Accordingly, an examiner cannot establish obviousness by locating a reference which has no structural description which describe various aspects of a patent applicant's invention. Without also proving evidence of the motivating force to come up with the concept which would impel one skilled in the art to do what the patent applicant has done. The Novel Physical Features of Claims 7-8 Produce New And Unexpected Results over Carney or any combination thereof, Applicant is claiming New Use of these elements. These new and unexpected results are the ability of applicant's system to solve and control the credit card fraud problem which has reached epidemic proportions. An invention which could save the U.S. over one trillion dollars in loses

over a twenty year period. There must be some suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art. The prior art reference must teach or suggest all the claim limitations.

Up to now those skilled in the art found the problems solved by the invention to be insoluble the invention converts failure into success. The failures of prior art workers indicate that a solution was not obvious. Two of the most powerful credit card companies in the world own invention development departments, they have been working on fraud problems for decades, that proves the invention is not obvious. Credit cards have been around for over 117 years, and cards have always been issued with numbers that are selected at random. It is not obvious, that part of an address and part of a telephone number can solve the problems. It was not obvious, that credit cards needed to be issued with selective numbers, like the Applicant suggests. The cited reference proves that the Applicant's invention is not obvious, the reference does not recite even one of the Applicant's fraud proof structures. No mention of a telephone number, no mention of an address, no mention of a caller ID, no mention of letters translating into numbers. Applicant therefore submit the cited reference of Carney is not legally justified and is therefore improper. Thus Applicant submits that the rejection on this reference is improper and should be withdrawn.

Applicant has amended the specification and submitted new claims to put this application in full and clear condition for allowance. Applicant has amended the specification editorially and to correct those errors noted by the Examiner. Also Applicant has rewritten claims 1-4 as New, claims 5-8 to more particularly define the invention in a patentable manner over the cited reference, or prior art. Applicant respectfully request, if the claims are again rejected upon any combination of references that the Examiner include an explanation, in accordance with

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M.P.E.P. 706.02. Ex parte Clapp, 27 U.S.P.Q. 972 (P.O.B.A. 1985) and Ex parte Levingood, supra, a Factual basis to support his conclusion that would have been obvious to make the combination. Applicant thanks the Examiner for the clear and understandable office Action.

CONCLUSION

For all the above reasons, applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore I submit that this application is now in condition for allowance, which action I respectfully solicit.

Conditional Request for Constructive Assistance

Applicant has amended the specification and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P 2173.02 and 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,



Keith Anthony Washington

2101 10th Ave
Oakland Ca.94606
Tel.(510)261-8275